



ANDREW M. CUOMO
Governor

KEITH M. CORLETT
Superintendent

June 21, 2019

Via E-Mail: 72581-67118010@requests.muckrock.com

Anonymous
MuckRock News
DEPT MR 72581
411A Highland Avenue
Somerville, Massachusetts 02144

Dear Anonymous:

Reference is made to your letter of appeal received June 4, 2019, requesting copies of the following records:

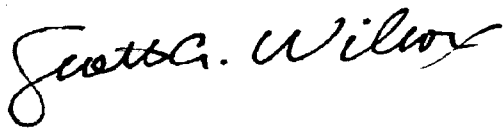
- Electronic copies, via email, of all email, calendar invites, text/SMS/MMS/instant messages, or memos sent, written, or received between January 1, 2017 and the date of receipt of [your] request . . . between . . . (1) any agency employees or officer and (2) any of [the persons, entities and government agencies]
- Electronic copies, via email, of all agreements, either executed OR in effect, at any time from January 1, 2017 to and the date of receipt of [your] request (inclusive), between your agency or any of its subordinate units and any of [the persons, entities and government agencies]

After carefully reviewing your request and the relevant statutory provisions, I concur with the determination made by Major Frank Keyser. To the extent that your request seeks any Division of State Police email communication with numerous external parties, your request fails to reasonably describe the records sought, as required by Public Officers Law § 89(3). The Division of State Police employs thousands of individuals and your request fails to identify specific agency staff whose email communications you are seeking.

Whether a request is reasonably described may be dependent upon the nature of an agency's filing or record keeping system and agency employees are not required to engage in herculean or unreasonable efforts to locate records. See Konigsburg v. Coughlin, 68 N.Y. 2d 245 (N.Y. 1986) and the NYS Committee on Open Government's FOIL Advisory Opinions 18949 and 18863. The Committee on Open Government has explained that "a request for 'all' records, without limitation, that include a certain name, for example, might not be found to reasonably

describe the records.” (COOG AO – 18949 (Aug. 20, 2012)). Accordingly, absent any additional information that can be used to conduct a reasonable search of our files, your appeal is denied.

Sincerely,

A handwritten signature in black ink, reading "Scott A. Wilcox". The signature is written in a cursive style with a large, stylized "S" and "W".

Lt. Colonel Scott A. Wilcox
Assistant Deputy Superintendent
Administration

cc: Committee on Open Government
RID 35281